IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

WP(C).No. 23026 of 2006(N)

EP.2792/1999 of SUB COURT, CHERTHALA
.....

PETITIONERS:
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1. DURGA BHAI, W/O.E.M.DINESAN,
EDATHODATHU HOUSE, THEKKUMMURI,
CHERTHALA SOUTH.

2. E.M.DINESAN,
EDATHODATHU HOUSE, THEKKUMMURI,
CHERTHALA SOUTH.

BY ADV. SRI.M.BALAGOVINDAN
SRI.SASITH PANICKER

RESPONDENTS:

CHERTHALA SOUTH SERVICE CO-OPERATIVE
BANK NO.1344,
REP. BY ITS SECRETARY.

BY ADV. SRI.G.GOPAKUMAR (CHERTHALA)
SRI.C.H.CHANDRABHANU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 23026/2006 N

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE EXPARTE DECREE /AWARD FOR REALIZATION OF RS. 38944/- DT. 30/09/99.

EXT.P2. COPY OF THE APPLICATION BEFORE SUB COURT, CHERTHALA DT. 4/4/2005.

EXT.P3. COPY OF THE CIRCULAR ISSUED BY THE REGISTRAR OF CO-OP SOCIETY DT. 27/2/2006.

True copy

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PIUS C. KURIAKOSE, J.

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W.P.(C)No.23026 OF 2006

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DATED THIS THE 9th JULY, 2007

J U D G M E N T

The learned counsel for the petitioners submits that the condition imposed by this Court for granting stay that a sum of Rs.10,000/- shall be paid within three months of 28.8.2006 has been promptly complied with by the petitioners.

2. Under these circumstances, I dispose of the Writ Petition issuing the following directions:-

The court below will verify whether the petitioners have paid to the decree-holder, a sum of Rs.10,000/- on or before 28.11.2006. If it is seen on such verification that the payment has been made, the court below will take up Ext.P2 application for setting aside the sale filed by the petitioners, hear both sides and dispose of Ext.P2 in accordance with law, at the earliest and at any rate within three months of receiving copy of this judgment.

(PIUS C.KURIAKOSE, JUDGE)

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